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ABSTRACT

The paper investigates the qualities which distinguish representative democracies from other forms of government, particularly direct democracies, dictatorships, and oligarchies. Representative democracy is based on the precept that political authority should be located in offices which are specified by a popularly ratified or accepted constitution and filled by contested elections. The hypothesis is that democratic values are morally superior to other political values. Representative democracy encourages citizens to adopt distinctive attitudes toward conduct, self-concept, and all authority in society as well as authority in political matters. Specific ways in which these attitudes are exemplified in a representative democracy include exhibiting independence of spirit in matters such as voting, engaging in conscientious dissent, and seeking political office: understanding all interactions which can to any degree be understood as political: and accepting moral indeterminacy. In general, although representative democracy is committed to respecting the boundaries of the individual and the related separation of the individual and society from the state, it encourages a high degree of interaction between the public and non-public sectors. It is concluded that representative democracy is the best way to preserve democratic values in modern societies which have become much too large and complex to sustain direct democratic forms of government. (DB)

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THE MORAL DISTINCTIVENESS OF REPRESENTATIVE DEMOCRACY

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ABSTRACT

The Moral Distinctiveness of Representative Democracy

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The moral distinctiveness of representative democracy as a form of government consists in the change induced in the nature of political authority. The change may be thought of as a systematic and deliberate chastening. The electoral system is the central source of chastening. By locating political authority in offices (specified by a popularly ratified or accepted Constitution) that are filled by contested elections and thus filled in a way that provides some overall guidance to the making of laws and public policies, political authority is largely demystified. The chastening is in the demystification. The chastening is intensified by a number of other procedures and arrangements usually associated with the electoral system: for example, a Bill of Rights, separation of powers, decentralization, and a limited and anti-paternalist scope of governmental activity. No other form of government subjects political authority to this unremitting discipline.

The main argument of the paper is that this morally distinctive form of government induces or encourages a general attitude towards all authority in society. All authority is chastened, thanks, in part, to the vividly public spectacle of the chastening of political authority. The general attitude issues in a number of moral phenomena which are themselves distinctive. They either do not exist in societies lacking representative democracy or exist in an undeveloped condition. The moral distinctiveness of representative democracy is thus not only a matter of political procedures and arrangements but also a matter of a spirit of conduct and self-conception spread throughout the society in which representative democracy exists. The moral phenomena singled out are: independence of spirit in the positive sense of trying to live one's life as if it were one's own, and in the negative sense of a readiness to say No, to engage in conscientious dissent and resistance whether in everyday life or in special acts of episodic and irregular citizenship (as distinguished from normal and regular citizenship, like voting in elections or referenda, or the full-time citizenship of office-seekers and office-holders and party officials); the desire to understand all the relations of life as in some measure political and then to democratize them as much as possible; the acceptance of moral indeterminacy; and the desire to receive and bestow a certain delicacy, a Constitutional delicacy, a fundamental fairness, in all the relations of life. These phenomena, these dispositions, help to constitute the self that suits the spirit of representative democracy. At the same time, these dispositions help to constitute the modern self.

In relation to party or military dictatorship or any other existent form of government, representative democracy is intrinsically distinctive (and superior) and sponsors traits of character and ways of being in the world that are distinctive (and superior).

The challenge offered to representative democracy by the model or image of direct democracy is taken up. The greater reality of the consent of the governed and equal citizenship within the governed is granted. The procedures and arrangements of direct democracy have therefore greater intrinsic worth. But the moral cost for this system is prohibitive. The heart of the contention is that direct democracy necessitates, as a precondition, the small and simple community. In community the great dispositions of representative democracy cannot flourish, while other noxious dispositions do. The modern self is lost in community. The moral distinctiveness of representative democracy can be affirmed in relation to direct democracy as well as to dictatorships and oligarchies. The moral distinctiveness is again an indication of moral superiority, though not a superiority of political procedures and arrangements in themselves, but in the moral phenomena sponsored by those procedures and arrangements.

In representative democracy the source of laws and public policies is a collection of office-holders who have attained office by winning contested elections. The contested elections, by their very nature, provide some general guidance to the winners concerning public opinion and preferences on laws and public policies that have been and are to be made. The offices are specified by a Constitution originally ratified by the people and subject always to their amendment; or by a basic common understanding. Thus, the fundamental institution of representative democracy is the electoral system.

All the foregoing is a repetition of truths too obvious to need repetition. Yet to say these banalities is only preliminary to re-stating their sense in a perhaps slightly less banal way; and therefore in a way that might rescue them from banality. A way that recommends itself in a time in which there is so much preoccupation with authority and its crisis goes as follows. In a representative democracy political authority is held by a collection of office-holders who have attained office by winning contested elections. The right to make laws and public policies is granted by those who are to obey the laws and endure and experience the policies. The exercise of political authority is not autonomous but guided, in some general way, by those who are to obey the laws and endure and experience the policies. The ultimate authority is not the people tout court, but the expressed will-to-political-right of the people aware of itself as a people, whether that expression is contained in a written document or not.

Perhaps this alternative way is also banal: no better than banal. Be that as it may, it is meant to recall us to what was once not banal at all: the fact that authority - political authority, in the first instance - undergoes a change when its fate is joined to the workings of the electoral system.

Political authority is demystified or desacralized (clumsy words for an enormous alteration) when it is regularly re-created. The artificial nature of political authority is continuously being asserted, and to a degree that seventeenth-century theories of social contract, government contract, and voluntary civil society do not match because of the absence in them of provision for the electoral system. Or, where there is provision, the system is restricted in popular basis or in the real daily work entrusted to it. The very notion of ruling and being ruled is alien to the spirit of representative democracy; and so are the related notions of the state and of sovereignty residing in the state rather than in the constitutionally organized people. Even when people acknowledge, as they must, that some political authority - some government - is necessary; that life or social life or civilization would not be possible without it; the fact that it is regularly re-created invests the feeling of necessity with some alloy of mitigation and removes gratitude from the picture altogether. Though people cannot but choose to have political authority, they nevertheless choose those who wield it. Just by doing that they loosen authority's hold: not, here, in the sense that the electoral system provides some general guidance on laws and public policies, but in the sense that there would be no political authority at all without the willing participation of the people in the electoral system. There would be no person or group who could properly claim it or confer it or validate it, if the people did not take part. Imprecisely put, but not metaphorically, the electoral system is a form of people's self-rule. If that is the case, the very nature of rule, of authority, undergoes a qualitative change in representative democracies.

When, therefore, we try to determine the moral distinctiveness of

representative democracy, we must begin by taking note of the most banal considerations. In contrast to dictatorship, oligarchy, actual monarchy or chieftainship, or other forms, representative democracy signifies a radical chastening of political authority. When political authority is, at every moment, a temporary and conditional grant, regularly revocable; when suffrage establishes the sufferance, so to speak, in which the people hold political authority, a major moral distinctiveness enters the life of society. Society is taught - society teaches itself - a fundamental lesson about the nature of all authority by handling the problem of political authority as it does. The overall lesson can be expressed in a number of ways. Most commonly, we speak of a pervasive scepticism towards authority; a reluctance to defer; a conviction that those who wield authority must themselves be sceptical towards their roles and themselves and that the existence of necessary authority must not be wielded in a way that violates the moral equality of all people. Furthermore, there is a tendency to try to do without authority wherever possible or to disperse or disguise it, and thus to soften it.

From the perspective of societies that do not constitute political authority by means of the electoral system, it might seem that political authority does not exist in representative democracies. Or, at the least, that political authority is in a constant state of crisis or always on the verge of dissolution. On the other hand, within representative democracies there are many who, in the thrall of sociological or anthropological habits of mind, fail to see any difference between a people's self-rule and all other forms of rule. These habits issue in the effort to show that despite appearances all governments must do the same work and secure the same ends; that the form of government has no consequences for the work and the ends; and that there is

no inevitable transformation of the very nature of governmental and political action. It is as if efficiency were the sole political reality and that, therefore, representative democracy is at best circumstantially useable.

We will not now offer a more detailed resistance either to those who find no authority but only near-anarchy in representative democracy or to those who see nothing distinctive in the authority present in representative democracy. It must be sufficient to refer to the banalities we have mentioned. The aim of this paper is to suggest that certain moral phenomena that appear prominently in societies with representative democratic governments are traceable to the existence of that form of government. That is, the fate undergone by political authority helps to account for these phenomena. Now, I am not saying anything that empirical research into public opinion could verify to the satisfaction of all observers. Even discursive conversations with patient and subtle researchers - as patient and subtle as Sennett and Cobb - need not yield abundant confirmation; though some degree of confirmation is not impossible. People may not be totally aware of the sources of encouragement to their conduct: some of these sources may be "in the air." I wish only to propose a reasonable imputation: these phenomena are perfectly intelligible in light of the fact that political authority is profoundly chastened by the electoral system. It makes sense to think that these phenomena would not occur, or would occur less frequently, if the electoral system did not as it were sponsor them. The psychological effect of that system permeates the whole society and helps to liberate those energies and that self-conception that manifest themselves in these phenomena. The spirit of the electoral system fits or suits or is consonant with the feeling for how to live that is surely at work - in play - when people act in certain characteristic ways.

The moral distinctiveness of the arrangements of representative democracy sponsors distinctive moral phenomena in the life of society.

What, then, are these moral phenomena? They are all familiar from the theory and practice of representative democracy. I would only bring them together in order to posit their special affinity to the spirit of the electoral system. First of all, there is independence of spirit. I do not refer to scholars, intellectuals and artists, and the extraordinary independence they must show from the very nature of their vocation. Instead, I wish to point to the independence that ordinary people show in their extraordinary moments - moments that help to give a larger sense to their whole lives. The chastening of political authority encourages individuals to be less fearful of all authority whether concentrated in particular figures of authority or impersonally present in given rules and conventions. The positive expression of independence in the face of personal and impersonal authority can be called autonomy. Just as in claiming autonomy one does not want to be legislated for, so one cannot express autonomy by legislating for others, even when all comprise the legislative power. The Kantian notion of autonomy as legislation cannot be extended into the political sphere: the acknowledgement of the basic moral principle and a few incontestable derivations helps to frame legislation in our usual sense, but is not its stuff. The Rousseauist political equivalent of autonomy rests on a homogeneity of citizenry and on an infrequency and simplicity of legislation that is scarcely political. Autonomy is not implicated in our usual sense of legislation. Autonomy does not exist when all are bound to act in the same way; it cannot be, therefore, a politically relevant value, except in the negative way of supporting a claim to limited government. (See below.) On the other hand, the Kantian

notion is not relevant, except as part of the frame, to non-public life. Autonomy is acting on one's own, making one's life one's own, freely making commitments, accepting conventions known to be conventions, and straining to construct the architecture of one's soul. Emerson's self-reliance, Thoreau's doubleness, Whitman's Myself, Mill's individuality are all approaches to a conception of autonomy. Autonomy consists in significant differentiation achieved through some distance between one and the world, and between one and oneself. (Of course it does not exclude politics as a career, a "vocation.")

The negative expression of independence is the disposition to say No, to dissent, to engage in acts of principled or conscientious disobedience or resistance or rebelliousness, whether in acts of citizenship or in the rest of life.

Second, the mere status of citizen in which one is eligible to run for office and to vote in the contested elections for office, is a continuous incitement to claim the status of citizen - or something analagous - in all non-political relations of life. Indeed the incitement is to politicize the non-political relations of life and thus to democratize them. As we know, this politicization may invade the most intimate and domestic relations of life as well as the more formal relations inherent in institutions, organizations, and associations of every sort.

The third moral phenomenon follows from the electoral system's partisan or factional basis. In a representative democracy, political authority is in essence partial - to leave aside the judiciary. A part - a party or faction or coalition - is temporarily allowed to stand for the whole. Parts take turns standing for the whole and giving it a temporary moral emphasis or coloration. The very association of authority and partisanship promotes

a sense of moral indeterminacy. This should not be confused with scepticism or relativism. It is rather the belief that within a frame of settled commitments, a number of contrasting and competing responses or answers to morally tinged questions is to be expected and welcomed. (The judicial equivalent is dispute over constitutional interpretation.) A struggle against those in authority understood as defenders of one possible right answer rather than the only possible right answer is thus encouraged. Disseminated into society, this notion not only intensifies the demand to democratize all relations, but cultivates a general tolerance of, and even affection for, diversity - diversity in itself, and diversity as the source of regulated contest and competition.

There are other moral phenomena that suit the spirit of the electoral system; but I think that these three are the principal ones. In brief, the existence of a method of filling the major political offices, the major loci of political authority, by contested elections (regularly held) that are specified by a written Constitution or by unwritten constitutional understanding, so affects the sense of all authority in society at large, that we may reasonably posit these moral phenomena as consequences. Of course these phenomena, reciprocally, indicate the presence of feelings, attitudes, and ideas that work to sustain the functioning of the electoral system. The main point, here, is that the existence of an electoral system - rather than all other kinds of gaining office or position - supplies a vivid, public, and continuous imparting of the moral lesson that the only tolerable authority is a deliberately chastened authority, and that every effort must be made to have authority offend against moral equality as little as possible. Without such an imparting, the meaning of the lesson would be much more alien and

artificial. We can expect that in societies without the electoral system, there would be much less popular independence of mind in the forms of autonomy and the disposition to say No, less democratization of non-political relations, and a much greater hostility to any diversity that was not sanctioned by a hereditary principle of class or caste or by a dictatorial directive.

But the electoral system usually does not exist without some kind of constitutional accompaniment. The root value of constitutionalism is restraint on political authority. If filling political offices by means of the electoral system is in itself a chastening of authority, the devices of constitutionalism are a further chastening.

It is not possible for me to estimate the comparative force for chastisement of the electoral system and of constitutionalism. Needless to say, some part of constitutionalism can exist without the co-presence of the electoral system. But though constitutionalism is meant to restrain all political authority, even that created by the electoral system, and though in democratic societies the most familiar political dualism is "majority rule versus minority rights," the moral fact is that, at bottom, the electoral system and constitutional restraint serve the same value or cluster of values. Each needs the other not only for practical durability and efficacy but also to fill out each other's moral meaning. The strain between them is an indication of their affinity.

In any case, American political ideas and experience offer the most theoretically developed instance of constitutionalism. At base there is the rule of law: that government shall work by the rules it makes and that these rules shall adhere to the conditions specified best by Lon Fuller in The Morality of Law. But constitutionalism is not exhausted by this minimum. There are the

restraints on political authority of an absolute or near-absolute kind - the circumscriptions and prohibitions of the Bill of Rights. The Bill of Rights says to political authority: you cannot do certain things at all; and in doing other things, you must do them in one way and not in any other. You cannot abridge the exercise of religion or speech; you can search, arrest, try, and punish only if you deny yourself certain tempting methods used freely in other societies.

In addition to the Bill of Rights, such features as the separation of powers, checks and balances, and federation all conduce to the values of constitutionalism. It is very difficult to restore the moral sense of these features, obscured as they are by piety, cynicism, boredom, and familiarity (as, indeed, the whole subject of representative democracy is). Yet their sense is there to be seen by the moral eye. The sense, cumulatively, is that political authority is suspect when undivided and thus untroubled by antithetical voices. Political authority is suspect when it moves too easily or takes short cuts to accomplish its ends, or when it prevents appeals and second thoughts, or when it closes itself off in secrecy or unapproachability.

What moral phenomena in the larger society do the practices of constitutionalism inspire or enlarge or ratify? One of them stands out: a certain <u>delicacy of conduct</u> often called fairness. But the word "fairness" ordinarily lacks all the connotations of that delicacy which constitutionalism teaches. Constitutional delicacy consists in scruples, self-doubt, self-criticism, self-correction, as well as the disposition towards an engaged detachment that most resembles a serious playfulness, a playfulness that wants to win but only in accordance with rules, only after a fight, only after, perhaps, aiding the antagonist to become equal. By following the rules enjoined on

them by a Bill of Rights, those in authority act delicately (whatever their inner resistance or actual efforts to evade or distort the inhibitions placed on them). They are chastened into delicacy. (This delicacy is related to that shown in accepting the constraints of the electoral system: accepting loss, especially.) This delicacy can then pervade all life in society so that an analogous or approximate or transmuted constitutionalism might be found in all relations, formal and informal - just as the electoral system may influence people to seek democracy in all relations.

If to the political authority formed by the electoral system, and subjected to a full constitutional discipline are added a continuous effort to restrict the scope of authority's action and a continuous effort to avoid paternalist action within the properly restricted scope, one further moral consequence ensues. Actually, it is the intensification of one of the moral phenomena already mentioned: the positive expression of independence of spirit, autonomy. The less explicit regulation meant to bind all there is, the more room is left for individuals and groups to regulate themselves, to achieve a lawful autonomy. The less discretionary authority exercised, the less awesome is political authority and with that, the weaker the inhibitions in regard to independent action in the face of all kinds of authority. The less paternalism there is, the stronger grows the readiness to reject paternalism in all the relations of life. It seems to me that necessary to the completion of constitutional representative democracy as a morally distinctive polity is limited, non-paternalist government, for the reason that the morally distinctive moral phenomena it sponsors are more fully realized in that case.

The overall chastening which political authority receives at the hands of constitutional representative democracy (limited and non-paternalist in

its scope of action) is a chastening of all authority. At the same time, the chastening is not only a diminution, but also an inducement to act in ways and by procedures that carry great moral significance, that teach specific moral lessons. On the one hand, the chastening of political authority liberates citizens. On the other hand, the particular modes of chastening may suggest an ethic of action and forbearance from action for citizens in all the relations of life. Thus, the chastening of public authority not only liberates citizens by liberating them from certain attitudes to all authority, it also teaches them how to wield authority in the non-political relations of life (non-political in the sense of non-public). In its distinctive way of forming political authority, representative democracy cultivates distinctive ways of acting in non-political life - of seeking and giving, of making claims for oneself and one's group and acknowledging the claims of others. The actual public citizenship of those who do not hold or run for office is, in turn, affected by the transformation of non-political life that the political system facilitates - especially the acts of episodic, morally heroic citizenship.

We may say then that constitutional representative democracy helps to foster certain traits of character and hence certain ways of being in the world that no other form of government does. Naturally these traits and ways may appear almost anywhere and at almost any time. But it surely matters that the fate endured by political authority in non-democratic societies has played no role in sponsoring them. Non-democratic authority, furthermore, does not use the (relevant) traits and ways: there is neither public enlistment nor public acknowledgement or reward for them. The moral give-and-take between the political and non-political spheres is absent: there is, instead, either a regimented harmony, or an imposed discontinuity between them.

There is, of course, no one type of self that is unique to representative democracy, and wholly unlike all other types. Rather it is a matter of the emphatic presence of the traits and ways I have mentioned: such is the moral distinctiveness. And though the presence is emphatic in comparison to other kinds of society, it is still episodic and dispersed. It is a rare self that shows all the traits and ways, or that shows any of them over a whole lifetime. Even autonomy is a temporary conquest constantly tending to forfeiture through forgetfulness or thoughtlessness. There are some people who - at least to the impatient eye - never show any of the traits and ways. One must not exaggerate the teacherly power of the procedures and arrangements of representative democracy. Nevertheless, its existence makes a difference: it adds chapters to the record of human moral achievement that otherwise would be missing. A large difference must, in the nature of things, be made when vividly present in a society are such constant dispositions as those towards independence of spirit (in the forms of autonomy and the readiness to say No), the search for democracy in all the relations of life, the acceptance of moral indeterminacy, and the expectation of constitutional delicacy in all the relations of life. A culture attains some part of its distinctiveness, receives some part of its coloration, from such dispositions.

In passing it should be noted that there are alternative descriptions for the moral phenomena I have touched on, and, therefore, for the type of self at home in representative democracy. More familiar perhaps (but not, for that reason, less important or eligible) are descriptions that employ the conceptions of the individual as the bearer of unearned rights and self-imposed duties, the claimant individual, the individual as owner of his self, the freely contracting individual, the freely associative individual, the emulative

or competitive or agonistic individual, the self-reliant individual, the all-embracing I. These conceptions are not exactly synonymous, though they have, in various couplings and groupings, common aspects. Each catches something that the others fail to catch, or catch less effectively. Some are the precondition of others; some are richer than others; some may be the fulfillment or perfection of others. We are dealing with the complexities and numerous variations of the modern self, most abstractly considered. Which is to say that the moral distinctiveness of representative democracy finally lies in the contribution its procedures and arrangements have made and do make to the emergence and repeated re-definition of the modern self. The modern self is a partly novel self. More precisely, the procedures and arrangements of representative democracy have facilitated certain partly novel human aspirations and experiences. And because these aspirations and experiences are morally commendable, it may be that the excellence of representative democracy lies as much in its facilitation of aspirations and experiences as in anything else that may be true of it. More than that, its characteristic failures may be outweighed, though not completely forgiven, when the contribution it thus makes to the record of human moral achievement is remembered or seen afresh.

I have so far argued in a way that seems to suggest that suddenly representative government appeared on the scene, and that subsequent to its (unexplained) appearance, and because of it, a number of beneficial moral phenomena also appeared. I wish to rectify that possible impression by acknowledging two considerations. The first is that representative government has a history: often a tortured and bloody history; and often when not tortured or bloody, unself-aware or confused or groping. For all the force of these alloying elements, however, the process of creation has had its great

self-conscious, deliberate, articulated moments. Even a cursory look at the speech and writing in these moments shows that some of the moral energy behind the push for representative democracy has come from people (learned or not) who sought to hold political authority to standards that to some degree had their original home in non-political life, private and social. The modern birth of representative democracy, in England, America, and France, was itself facilitated by the urgencies of the private or domestic or neighborly voice, or the voice of friendship or brotherhood or religious devotion. There was a passion to repudiate the claimed immunity of the political sphere from the exacting requirements of the best morality of everyday life. The best moral claim of the old order - paternal benevolence - was simply not good enough; indeed was not good at all, as Tom Paine, for one, made brilliantly clear. Thus, if a more mature representative democracy facilitates certain commendable moral phenomena, it is, in effect, repaying a debt to its sources. This is not to deny the fundamental significance of more purely political or impersonal arguments made in behalf of representative democracy: arguments of security, welfare, liberty, justice. Yet even these sometimes showed evidence of translation from something personal or intimate (as distinguished from selfish or self-concerned).

The second consideration is that even in a more mature representative democracy, the commendable moral phenomena rest on certain sentiments and attitudes that are naturally (so to speak) suited to non-political relations of life and continue their existence in partial independence of the teacherly influence of the political sphere. As always, there are numerous non-political sources for these sentiments and attitudes: decency, fairness, detachment, delicacy, self-doubt, tentativeness, tolerance, playfulness.

All I wish to claim is that the workings of representative democracy magnify certain sentiments and attitudes and thereby strengthen and enrich them. One major result of this teacherly influence is the cluster of moral phenomena that I have mentioned. These phenomena are crystallizations or concentrations of sentiments and attitudes that may exist in any society in a weaker form: so weak, it may be, as to leave everyday life untouched by them. At the same time, the absence of representative democracy forecloses those acts of citizenship that are linked to these phenomena.

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It would be foolish to ignore the dislike or even strong aversion that many feel towards the moral phenomena I have singled out. The dislike or aversion need not reach to representative democracy itself, the sponsor and facilitator of these phenomena - though sometimes they do. Rather, the feeling is that it is unfortunate that the chastening of political authority emerges with such power as a great moral instigation to the alteration of the rest of life in a consonant manner (as well as to a spasmodic citizenly adventurism). Could not a chastened political authority co-exist with non-political relations that, each one, retained the kind of authority found in the civilized world? Or, at least, if representative democracy must have some effect, could not that effect be slighter than it is in fact, especially (but not only) in the United States?

The nineteen-sixties and early -seventies showed the moral phenomena associated with a (systemically) chastened political authority with a heightened intensity. Long-standing tendencies once again in American history manifested themselves dramatically. The reaction has set in, as it always had in the past. From this reaction, and from some less passionate cogitations

of one's own, a number of responses can be distilled. Not even a brief treatment of the moral distinctiveness of representative democracy, such as this one, can be minimally scrupulous without paying some attention to those who find the moral phenomena I have singled out to be less than commendable; in some cases, far less. An apologist like myself must consider the possibility that dispositions towards independence of spirit (in the forms of autonomy and the readiness to say No), the democratization of all the relations of life, a sense of moral indeterminacy (even though within a frame of settled principles), and constitutional delicacy in all the relations of life may not be as commendable as I have all along been assuming.

The moral phenomena require a full consideration; they should also be discussed separately and in themselves, not only as a cluster. I am not able here and now, however, to do more than make up some general points. I am guided by the sense that after all is said the phenomena are commendable, yet, in some instances, barely so or ambiguously so. The political system may teach bad lessons, or good lessons badly, or lessons too advanced for its students, the people.

What I offer here is more a scheme for discussion rather than a discussion itself.

Each disposition may sometimes or always be out of place, inappropriate, or destructive. For example, the quest for autonomy may be destructive of the self engaged in the quest: taking upon oneself an unusual amount of the burden of being the architect of one's soul and life may damage sanity or poise. The readiness to say No may poison that amiable fellow-feeling that many kinds of personal and institutional relations need for their most productive or rewarding functioning. The democratization of all the relations

of life (or as many as possible, as extensively as possible) may impair the quality of the work or effort served by the given relation or ruin the trust or affection or love that defines its very essence. A sense of moral indeterminacy may deprive a given relation of the definiteness of shape or clarity of aim it must have if it is to survive and prosper. The insistence on constitutional delicacy may paralyze a relation or convert it into a litigious one.

Each disposition may too often issue in a thin or hollow or merely ritualized effect. The quest for autonomy may lead to little more than a silly eccentricity or an unconscious conformity or a compulsive faddishness or a mere "lifestyle." The readiness to say No may turn into a mindless obstinacy. The democratization of the relations of life may yield only manipulation or a democratization of small matters that is subtly made into a substitution for real democracy, with honesty the greatest loser. A sense of moral indeterminacy may turn into a mindless scepticism or relativism. The insistence on constitutional delicacy may degenerate into a mechanical formalism.

Each disposition may be twinned with a pathology or an excess. The quest for autonomy, if encouraged (what an enormous paradox that is, in itself!) may tempt the base or reckless into such excesses as sensation-seeking, "scoring," unending and purposeless experimentation, a practiced insincerity, an inability to maintain commitments, a refusal of the necessary limitations that performing a social role necessitates, suicidal over-extension, cold indifference to the rights or needs of others, an unembarassed immoralism. The readiness to say No, if encouraged, may inspire the already misanthropic to a life-denying reclusinveness; or to a perpetually unappeased Bartleby-like state that knows only what it does not want: what it does not

want is precisely what is offered. The democratization of the relations of life, if encouraged, can easily become a sanctification of selfishness or, worse, self-indulgent indiscipline: the source of an adult inability to be anything but a child. A sense of moral indeterminacy, if encouraged, can oppress those who need surety and turn them towards nihilism; or, obversely, validate the cynic's flight from personal responsibility. The insistence on constitutional delicacy may become an excuse for obstruction or a mask for indecisiveness.

To leave aside the possibility that there may be warfare among these dispositions and that they may, therefore, create appalling contradictions for the soul that tries to embrace them all (Do I contradict myself?), the more stark possibility is that they may be at war with the continuance of the very form of government that sponsors and ratifies them. In a word, the demands on life (including the demands on the political system) that grow out of these dispositions may be too great for life (and the political system). Or, the dispositions that citizenship in a representative democracy depends on may be largely incompatible with those that representative democracy sponsors and ratifies. There may be some lethal - or at least quite dangerous - contradiction or tension between what the political system requires and what it as it were helplessly and ineluctably engenders. It is as if a system of chastened authority could endure only if the people did not take its basic moral teaching too seriously: if they did not see in the political system a metaphor of immense suggestiveness. In particular, the dispositions towards modesty, denial of gratification, obedience to legally constituted authority and its enactments, self-control, a regard for the common as opposed to the individual good, and a decent propriety - all necessary for "republican"

citizenship - are gravely weakened by the so-called morally commendable dispositions that I have singled out.

To ignore the foregoing contentions would be folly. Yet to conclude that all together or in some plausible selection they outweigh the worth of the dispositions fostered by representative democracy is to forsake representative democracy. It is to commit oneself to the view that a form of government is only a form of government and may operate without the sentiments and attitudes of the people as its foundation and without affecting those sentiments and attitudes in turn; and not merely affecting them in the sense of strengthening them but also in the sense of spreading them to hitherto untouched relations of life. To say it again, the workings of representative democracy, its procedures and arrangements, will inevitably impart or reinforce moral lessons, will be indefinitely expressive, will engender moral phenomena. Commendable or not, these phenomena are the true exfoliation of representative democracy, the truly distinctive consummation of distinctive procedures and arrangements. These phenomena are consonant with the procedures and arrangements of representative democracy: the non-public manifestation of the "spirit" of the public sphere. Certainly there are both ugliness and danger in each of these phenomena; but to see only or mostly ugliness and danger is to fail to see the meaning of representative democracy as, more than anything else, a method for chastening political authority and hence all authority. The paradox is that representative democracy may help, by its insidious teacherly power, to sustain and promote a culture that is, in sectors and particulars, more directly democratic, more constitutionally delicate and more beautifully illustrative of moral indeterminacy, than the political system itself; while in the encouragement given to independence of spirit in the twofold sense, it may attain its highest justification.

Could it be, then, that the highest justification for this form of government is found in the qualities of the vast life lived apart from government (and in the qualities shown in occasional acts of citizenship), rather than in the general substantive tendencies of law and public policy we expect from it, even at its best? To be sure, the dire possibility that representative democracy is inherently suicidal, that its virtues prepare the way for its demise, that it can survive only if it is not truly realized in the life outside the workings of government, is not just another danger like other dangers. This danger is the risk of extinction: killing the goose that lays the golden eggs. To the prophets of that doom one can only answer with a hope, supported, in the American case, by American history. The hope is that the tendency to anarchy (or seeming anarchy), the tendency to the effacement of restraint and moderation, always checks itself, even though there is never a simple restoration of the general moral condition that existed before the latest surge. But that is only a hope: no guarantees can be given. Furthermore, changed political and economic circumstances can also change the perspective from which the question of the durability of representative democracy and its morally distinctive phenomena is examined.

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It may be thought the foregoing examination of the moral distinctiveness of representative democracy suffers from many blindnesses and omissions. I have paid no attention to so weighty a matter as the social and economic context, especially to the decisive fact of social and economic and hence political inequality. I have paid no attention to the quality of normal involvement - such as it is - of citizens in the political process. I have paid no attention to the daily accountability and responsiveness of

representative government or to the related problems of secrecy, official lawlessness, bureaucratic autonomy, covert and disproportionate influence, bribery and the dependence of office-holders on the few, and the necessary and unnecessary withdrawal of large areas of public policy from the grip of the electoral system. Is it not cavalier to rest the moral distinctiveness of representative democracy on, above everything, the moral phenomena it allegedly sponsors in everyday life and in occasional or episodic acts of what must be irregular or civilly disobedient citizenship (the kind of citizenship most consonant with the dispositions I have singled out)? Have I not illicitly transferred the field of attention from the really political to the tangentially political? It may be that representative democracy can stand up to certain kinds of scrutiny in comparison with, say, party and military dictatorships of the right and left. But that may be small achievement, even if successful withstanding of such scrutiny is granted. Is there not some tremendous cause for disappointment in the actuality of representative democracy, whether in the United States or elsewhere? Should we not - perforce only in theory - affirm the moral superiority of direct democracy: that is, affirm its superior moral distinctiveness? Would not a direct democracy - if only it were possible to have one - achieve moral effects superior to representative democracy?

My belief is that representative democracy is morally superior to direct democracy because of the dispositions I singled out. To sustain this view, I would have to be able to show the following things:

1 - The peculiar moral phenomena that a direct democracy embodies in its procedures and arrangements and sponsors in the society at large are not as morally commendable as those of representative democracy.

2 - No important model of direct democracy can achieve, and no actual

direct democracy from the past did achieve, the moral phenomena I have singled out to nearly the same degree that I have alleged representative democracy (say, the United States) does.

3 - The enormous social and economic and hence political inequalities of modern democratic society, together with the numerous enfeeblements of accountability, responsiveness, and citizenly involvement, do not threaten to overwhelm the capacity of the procedures and arrangements of representative democracy to sponsor great moral phenomena.

To take up the third point first: no one can say whether or when the fact that modern representative democracy is, in some measure, only formalistically a democracy will bring down vengeance on it. All one can say is that so far the capacity to sponsor great moral phenomena is intact. Indeed, some of the acts of episodic citizenship - say, civil disobedience in the nineteen-sixties - derived in part from the spirit of representative democracy and in part from its failures. Civil disobedience is the child of representative democracy: faithful in rebellion, faithful because rebellious. The other moral phenomena, as I maintain, are also faithful to the spirit of representative democracy: they are conceived in some kind of awareness of and pleasure in the chastening of political authority. Of course, if large numbers of people conclude that the procedures and arrangements do not work, even in some measure, as they are supposed to, then their teacherly power will be nullified. If any view like that of, say, Marcuse in <u>One Dimensional Man</u>, becomes widespread the game is up. Will this happen? Who can say? If it happens, will it be because the political system has become even more only formalistically a democracy? Not necessarily. One can only speculate and have one's fears (or hopes). Should the game have been up a long time ago:

should the formalism have been seen through a long time ago? No: if for no other reason than the commendable moral phenomena the political system has sponsored, while doing so not primarily through deception and self-deception.

The first two points are far more difficult to treat. The discussion pits actual societies against extinct societies or theoretical models. Anything said must be either vague or far too abstract. Yet there may be some point in persisting, if for no other reason than the prestige the idea of direct democracy has: the prestige of a high ideal indistinguishable from a keen longing.

We have before us as direct democracies the Greek city-states, and the major theoretical contributions of Aristotle, Machiavelli, Rousseau, and Arendt. No generalization covers the disparate moral claims made by them in behalf of direct democracy. The sort of claim perhaps most relevant to our discussion is one that holds that direct democracy does truly or fully or better what representative democracy aspires to do; that representative democracy is only an approximation, if not a caricature, of direct democracy. Thus, Rousseau's theory provides the suitable starting-point.

I do not mean to re-state Rousseau's theory, but rather to name his name as the one who memorably associated political legitimacy with direct democracy, and to present a very coarse rendering of a position that is Rousseauist, at least faintly. (Obviously, the theory of direct democracy cannot stand or fall with the validity of any single philosopher's work.) I would say right off that direct democracy is the only form of government in which a direct obligation to obey the law can be theoretically maintained. The basis is in Rousseau's mode of thinking if not in the explicit arguments. Only in direct democracy do the people literally rule themselves: there is an unambiguous

because unmediated realization of the consent of the governed. The governed directly impose the needed laws and public policies on themselves. Political authority is transformed beyond the chastened character it possesses in representative democracy. At the same time, within the body of citizens who make law and public policy there is an equality of citizenly power - one person, one vote - that no known system of representative democracy (not even in the northern states in early America) has ever achieved. The result is that law and public policy is, ideally, the considered (in some sense constitutional) judgment of one's equals. I cannot morally claim to prefer my own judgment to that of my equals, if I chance to be in a minority; nor can a minority make an analogous claim.

Less legalistically, in a system of direct democracy, the people directly decide what they shall do and in what conditions they shall subsist, and do so in a way in which each counts equally. Representation is not there to provide openings for social and economic inequality to turn into political equality: the politics of democracy is pure numbers.

In the face of the (imputed) reality of self-rule by the people and a genuinely equal citizenship within the people, what could possibly count for more? What could possibly count for more than the solution of the problem of legitimacy? Are not the moral phenomena embodied in the procedures and arrangements of direct democracy superior to those embodied in representative democracy? I would answer Yes. But then I would try to unsay that Yes by pointing to the moral costs of direct democracy. I would try to show that the moral costs of political legitimacy are too great, and that, therefore, on balance, representative democracy is superior, even though it cannot offer a solution to the problem of legitimacy that is unambiguous and unmediated.

Its solution is indirect or derivative: ambiguous and mediated.

If it were just a matter of procedures and arrangements by themselves direct democracy would be more morally commendable (to revert to the formulation in point 1, above). If we "extend the sphere" of consideration, however, the picture changes. If we look to the moral phenomena sponsored and failed to be sponsored, the picture must change. (Here I must combine point 2 and the second part of point 1.) The moral costs of direct democracy (most abstractly considered) are prohibitive, involving as they do the attenuation or loss of the commendable phenomena sponsored by representative democracy and the presence of other phenomena that are not commendable.

The source of the radical moral deficiency of direct democracy is its social context - community. The existence of community spells the absence of commendable moral phenomena and the presence of noxious ones. Some of the noxious ones follow automatically from the absence of the commendable ones; other noxious ones grow out of the very nature of community.

Community, in its Rousseauist understanding, must be small, simple, and static. Every effort is made to achieve a uniformity of interests and mentality. The people are one enlarged person; or the people are interchangeable, each with any other. When we decide I decide; when I decide we decide. We obey ourselves equals I obey myself. We move together in the same dance: if we can be said to move at all: our movement is the ritual of justice.

For justice to be secured in a way that is compatible with the moral freedom of each, there can be no individuality: that is the meaning of community, of a uniformity of interests and mentality. Individuality would indicate differences, divergences, contrasts, disagreements, deviations. Rousseau is not a lover of "totalitarianism": he is simply sure-sighted about the

nature of the community that wills justice compatible with moral freedom - compatible, that is, with the direct and explicit acknowledgement that each is procedurally enabled to give to the requirements of justice. Justice is the preservation of each in his own: if the law preserves radical inequality, how can that be justice? If there is radical inequality, how can there fail to be arrogance and envy, exploitation and slavishness? Community means social and economic equality (or severely limited inequality) and hence a condition in which all are affected in the same way by laws and public policies.

This is a great moral vision; but the loss to humanity, the loss in humanity, is unspeakably great. The raw materials of the modern self are removed from community. Not enough of its necessities are accommodated: distance between people, more people than can be known or recognized, the stimulation of passion and knowledge, the sense that the world is a strange place. Moderate alienation and moderate anomie are extinguished. Negatively, the preconditions of the dispositions sponsored by representative democracy are absent or enfeebled. The Rousseauist community discourages independence of spirit (in its twofold meaning) and the sense of moral indeterminacy. As for the democratization of the relations of life and the dissemination of constitutional delicacy, Rousseau is hardly famous for espousing, for example, equal relations between the sexes; and his stress on transparence and directness of expression in human relations is not conducive to constitutional delicacy, or indeed to any kind of delicacy. He is perfectly consistent: the latter two phenomena would threaten community in its solidary nature.

Thus, the political procedures and arrangements of direct democracy in its most modern form, the Rousseauist, require a social and economic context that wars on psychological and spiritual complexity, on the extensions and

display of human faculties, on the illimitable annexations of human experience. Only representative democracy sponsors the magnification of humanity. On the other hand, some of the positive qualities that suit direct democracy, some of those that are not simply the reverse of the dispositions sponsored by representative democracy, are not commendable. The insularity, smugness, complacency, inexperience, crudeness, chauvinism, perhaps bellicosity, are all unattractive. The political procedures and arrangements depend on and sponsor such dispositions. If the expectation is that people who come together to decide will agree, and will agree because they are much alike and the matters they have to decide are straightforward; and if, concurrently, a feeling of uniqueness or precariousness pervades the community, what room could possibly be left for the dispositions sponsored by representative democracy? (We shall leave aside the enormous powers Rousseau grants the executive, the "brain" of the community.) Positively, how could a confident sense of superiority to the outside fail to occur? At the basis of the teacherly power of the procedures and arrangements of direct democracy, then, is being at one with the world, and the world understood as one's world, and one's world understood as our world. The distilled sense of such a relation to the world is that there is one and only one right way of living, of doing things, of thinking about the world; and that there is one and only one right answer for every problem or question that arises, in private life or public.

The lack of distance between citizens and political authority may also render authority much more psychologically oppressive by making any impulse to dissent into an act of shameful rebellion against oneself, of shameful inconsistency. A chastened but separate authority may be more morally advantageous than one which no one can sever his identity from.

The life of direct democracy is the life of citizenship, public and continuous and all-absorbing, and laid as an obligation on all, not freely chosen by a random few. But the life of citizenship is procrustean. Of course any life must be; at least in the absence of community, however, there can be a diversity of narrownesses, while all are encouraged to change now and then, change a bit or a lot, acquire a new narrowness, reassert autonomy. So far from being the "politics of autonomy" - there is no politics of autonomy except for group autonomy - the politics of direct democracy and its social preconditions and consequences are the death of autonomy. That, perhaps, is the greatest moral cost.

In general, representative democracy is committed to respecting the boundaries of the individual, and the related separation of society and state; yet it establishes a mutual moral permeability between public and non-public. In contrast, direct democracy effaces boundaries and separations, while subjecting everything to the publicly political imperative. This imperative repels the exploration of possibilities in non-public life that the spirit of representative democracy fosters. Indeed one such possibility is community, but the voluntary and temporary community: playing seriously at community. This kind of community is conceptually related to, and often practically the same thing as, the episodic and irregular citizenship of representative democracy.

Could there not be some plausible vision of direct democracy that escapes Rousseau's constrictions of humanity? I know of none that does not disparage non-public life (with the possible exception of the life of contemplation). Everything is seen as intrinsically inferior to, or as an unfortunate distraction from, the life of citizenship. There is no doubt that citizenship

may be valued for reasons significantly different from those of Rousseau and any similar theory of political legitimacy. Then too, the utter simplification of society may be avoided or diminished. Nevertheless, all visions of direct democracy as a polity (rather than as a local enclave or as a voluntary and limited institution) subject life to the demands of citizenship. In doing that, all sacrifice the dispositions that the procedures and arrangements of representative democracy sponsor. No writer, it seems to me, not Aristotle or Machiavelli or Arendt, manages to show that the values embodied in the workings of direct democracy, in the activities and relations of public citizenship, equal in worth those they abandon - in particular, the dispositions I have singled out or something like them. The modern self is larger and therefore better than the classical self.

But what about Athens? In answer, one could follow Hegel's steps in The Philosophy of History. Or one could say that Athens was too blessed and too good to serve as a model for anyone else. Or that its non-public greatness depended on slavery and imperial theft. Or that it was, and necessarily, short-lived. Or that its non-public greatness flourished because many escaped the demands of an all-absorbing public citizenship. Or that many performed the duties of public citizenship routinely or not at all, thanks to Athens' size. Or that though the democratization of all relations was attempted (if Plato's satire is to be believed), the other dispositions I have singled out did not: they never emerged or were repressed. The best answer is that if the adherents of direct democracy could guarantee that Athens would somewhere be reproduced if only the existent representative democracies gave way to numerous direct democracies, then maybe one would reconsider. In any case, Athens is exceptional. Sparta is the horror: direct democracy at

its most consistent, politically segmented though it was.

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What I have offered in the latter part of this paper is a sketch of a non-Madisonian way of preferring representative democracy to direct democracy. The time may come when the nostalgia for representative democracy will replace the nostalgia for direct democracy.